

The County of San Bernardino Local Workforce Investment Board



Annual Solicitation of Interest (SOI) and Subsequent Eligibility for

Eligible Training Provider List



San Bernardino County
Workforce Investment Business Resource Office
215 North D Street Suite 201
San Bernardino CA 92415-0041

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Administrative Services Manager
[909] 381-7906

A copy of the SOI is available on-line at
<http://www.sbcounty.gov/jesd/rfp/contractOpps.asp>

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A. *Workforce Investment Act (WIA)*

The Workforce Investment Act (WIA) mandates greater collaboration between the various entities currently serving jobseekers and employers. Its goal is to provide core services to the total workforce, while creating a system for seamless integration of services. This federal legislation supports the County of San Bernardino's need for a highly skilled and well-educated workforce. The Local Workforce Investment Board is the fiscal agent for local WIA Programs and has adopted a policy of annually conducting a Solicitation of Interest (SOI) for establishing an Eligible Training Provider List (ETPL). The minimum criteria for placement on the State ETPL will be providers who meet the following criteria:

- Successful completion of ETPL Application
- Training offered is for Demand Occupations
- Length of training period is no longer than 18 months
- Any training that exceeds \$7,500 must have the approval of the Director of JESD
- Adult job placement rate is equal to or greater than that established by the State of California
- Credential rate is equal to or greater than that established by the State of California

B. *Individual Training Accounts*

All training through the one-stop system will be provided through Individual Training Accounts (ITA). Under WIA, the new ITA training delivery system changed the focus from class-sized contracting to the empowerment of individuals to select the training institution of their choice. Individuals to be served with ITAs will have received core and intensive services in the One-Stop system and are still unemployed or are in need of upgraded training. Course of study will lead to certification or other qualification in the occupation training was provided.

C. *Solicitation of Interest*

The Workforce Investment Board is issuing this Solicitation of Interest (SOI) to qualify training providers for the initial list of training institutions approved by the San Bernardino County Workforce Investment Board and the State of California. Schools and educational institutions on the State ETPL will be eligible to receive individual referrals from our Employment Resource Centers, otherwise known as One-Stops, to provide WIA-funded training to jobseekers who have been determined to need occupational training in order to obtain employment.

Schools and institutions qualified under this solicitation for initial eligibility will enter into service agreements/contracts that will specify the terms and conditions for payment by students accepted for instruction. Included in the SOI are the WIA Training Provider Application and the WIA Training Program Application, both of which are required by the State. The following training providers are initially eligible to respond to this SOI:

- Providers who receive funds under the Higher Education Act of 1965 and whose programs lead to an associate or baccalaureate degree or certificate;
- Providers who carry out their programs under the National Apprenticeship Act of August 16, 1937;
- Providers whose programs are approved by the California Department of Education;
- Providers whose programs are approved by the Chancellor's Office of the California Community Colleges;

- Providers who are either approved or have Special Registration of their program from the Bureau for Private Postsecondary and Vocational Education (BPPVE).

In addition to the above criteria:

1. A program shall be approved for initial eligibility only once. Thereafter, the program's eligibility will be determined under the subsequent eligibility criteria.
2. A program that has been modified in goals and/or curriculum shall be considered a new program subject to initial eligibility determination only if the regulatory body over the program has required that it be submitted to that body for approval as a new program.

D. Terms of Payment

Terms of Payment – eligible institutions may invoice the Jobs and Employment Services Department at the following times:

1. 50% at enrollment at a minimum of 2 weeks
2. 50% at completion (50% of 100% of program course completion and attainment of recognized achievement). Copy of Certificate of Completion, attendance progress and Form 747 with total program hours must be attached.

E. Performance Accountability

The goal of the Workforce Investment Act is to establish a high performance workforce investment system that is customer-driven, results-oriented, flexible and continuously improving. This is clearly stated as the Act's purpose: To provide workforce investment activities that increase customers' employment retention, earnings and skill attainment; therefore, improving the quality of life.

F. Core Performance Indicators

There are 17 core measures of performance under WIA, of which six (6) apply to those programs eligible for an Individual Training Account (Adults, Dislocated Workers):

- Entered employment rate
- Employment retention
- Earnings replacement
- Earnings change in 6 months
- Employment and credential rate
- Customer satisfaction

These measures are the key indicators of success in achieving the goals of WIA.

G. Subsequent Eligibility

A provider of training services must achieve measurable results and provide accurate information in order to retain its status as an eligible provider. If a provider intentionally supplies inaccurate information or substantially violates any requirement under the Act, the provider's eligibility to receive funds for all programs shall be terminated for a period of time not less than two years.

H. Credential Rate

The credential rate must meet or exceed the State Rate.

I. Consumer Report Card

As required by WIA, the Workforce Investment staff will collect data on training providers' performance and customer satisfaction measures. An evaluation system will identify those measures used in the State Job Training Report Card and establish a procedure for collecting and providing this data to the State.

Once approved, in addition to the above information, training providers will also be requested to provide data, on a quarterly basis, on all individuals participating in the applicable program who are still employed in unsubsidized employment six (6) months after the first day of employment and their wages at these benchmarks. This information will be used in the preparation of the quarterly Job Training Report Card.

This report will be used as a key component in counseling prospective training candidates in the One-Stop system by providing them with additional information to make an informed choice of those training providers that are most successful and the occupational fields where hiring is occurring. The report will also be used to provide information and performance updates to the Workforce Investment Board and its Contracts and Performance Committee.

J. Responding to the SOI

All training providers proposing to be included on the Eligible Training Provider List are required to provide training, placement and wage information for the past twelve months on all training programs they offer in the application.

The required information is to be provided on Attachment D, WIA Training Program Application. This information will be used to determine overall program performance and will be used in the evaluation process for determining whether or not the Workforce Investment Board and the Performance Committee will recommend a training provider approval.

Training, Placement and Wage information requested will include:

- Period begin date
- Period end date
- Participant universe (total number enrolled and exited in the performance period)
- Average wages at placement into unsubsidized employment of all individuals participating in the program
- Percentage of all individuals participating in the applicable program that completed training and obtained unsubsidized employment
- Percentage of graduates of the applicable programs that attained certifications, licenses, academic degrees or equivalents, or measure of skills
- Percentage of all individuals that retained employment over a set post-program period.

K. Demand Occupations

The WIB recognizes the following as demand occupations within San Bernardino County:

Occupational Areas

- Administrative Assistants and Support Staff

- Construction Trades
- Retailing Management & Information Skills
- Medical Specialties – all skills, Hospital Clinics, Care Facilities
- Trucking Skills
- Banking – full range of skills, Support Functions to Real Estate, including Escrow and Loan documentation
- Logistics Facility Skills, including information-based
- Elementary School Teachers
- Machinery, Maintenance Mechanics
- Stock Clerks – Stockroom, Warehouse, Storage Yard
- Electricians
- Plumbers, Pipefitters, Steamfitters
- Childcare Workers
- Paralegal Personnel
- Receptionist and Information Clerks
- Police Patrol Officials
- General Office Clerks
- Legal Secretaries
- Cooks – Restaurant
- Casino Industry

This is not meant to be a finite list of occupations to be considered for proposed ITA training. Vendors are encouraged to submit other occupational training programs, but must show current labor market demand at the time of application.

Length of Training – The maximum amount of time any enrollee may be in ITA training is 18 months.

Maximum Cost – A maximum expenditure of \$7,500 will be available under ITA training for any enrollee. Any expenditure exceeding \$7,500 per enrollee must have prior approval by the JESD Director. This maximum amount covers tuition, enrollment fees, books, supplies and materials specifically required for the courses and would be applicable to one class or series of classes, such as a course of study leading to a certificate or qualification for a new demand occupation.

Financial Assistance – Training providers shall give enrollees information regarding financial assistance, along with the appropriate forms and applications. If the enrollee qualifies for any type of financial aid award, the award must be applied toward the training cost before the ITA funds are accessed.

Enrollees shall not be required to apply for student loans or incur personal debt as a condition of participation.

Funds paid by the Workforce Investment Board under this program shall not be used in duplication of funds received by the enrollee under other federally financed assistance programs.

Placement into Jobs – It is expected that job placement services will be provided, at no additional cost, by the training institution. In addition, after completion of training, enrollees will be assisted in job search by the staff of the Employment Resource Center (One-Stop). Placement information must be provided to the Workforce Investment Board within 30 days of

participants being placed in employment. Placement information will be used in conjunction with the Job Training Report Card. Adult Placement Rate must meet or exceed the State rate. Compliance with Americans with Disabilities Act – All organizations and facilities must be in compliance with the 1990 Americans with Disabilities Act (ADA). Under Title III of the Act, all privately operated public accommodations, commercial facilities and private entities offering examinations or training must make their goods and services accessible to persons with disabilities.

L. Provider Selection Process

The Employment Resource Center (One-Stop) Committee will consider qualified training providers for approval, along with the Workforce Investment Board, based on information submitted in the application. All applications received by the Workforce Investment Board will be reviewed using the following criteria:

- Staff review and recommendation
- Employment Resource Center (One-Stop)/Contracts and Performance Committee recommendation
- Workforce Investment Board approval

From the process, the approved institutions will be forwarded to the Employment Development Department for inclusion on the State's Eligible Training Provider List (ETPL). Only providers and programs that meet specified quality criteria will be listed on the ETPL and be eligible to receive ITA funding through WIA.

M. Period of Solicitation

This SOI will be issued May 4, 2004. Responses will be due by close of business on **May 21, 2004, 5 PM**. They will be reviewed by staff and, if complete, will be presented to the Employment Resource Center (One-Stop) / Contracts and Performance Committee.

Following the initial service agreements/contracts developed from the SOI, the period of application will only be accepted once a year.

The Workforce Investment Board reserves the right to cancel all or any part of this SOI at any time without prior notice. This SOI does not commit the Workforce Investment Board to award a service agreement/contract. In addition, the Workforce Investment Board reserves the right to accept or not accept any or all applications received in response to this SOI. All expenses incurred by the training provider in anticipation of receiving funding are solely the responsibility of the provider.

Service Agreements/Contracts and/or ITAs awarded through this solicitation will be based on the Workforce Investment Board's needs, program resources, and the needs and choices of participants.

N. Denial and Appeal

- As outlined in Attachments F and G, providers may appeal the decision provided the appeal is in writing and is addressed to the San Bernardino County Workforce Investment Board.

- All appeals must be sent to:

Beverly Wilson
County of San Bernardino Workforce Investment Board
215 North D Street, Suite 201
San Bernardino, CA 92415-0041

O. Application Submittal, Instructions and Requirements

Application Instructions

Section V. A. of the "WIA ETPL Policy and Procedures" provides a description of those providers who are eligible to apply and criteria for initial listing on the ETPL.

The application must be completed, in full, signed by an agency officer authorized to bind the agency to all commitments made and accompanied by a copy of a Board Resolution or other corporate action authorizing the agency officer to submit the application. If a Board Resolution or other corporate action cannot be obtained prior to the application submission, the resolution can be submitted at a later date, if the application states the expected date of receipt of such resolution or action.

1. "WIA ETPL Policy and Procedures" contains forms to be filled out and returned. They are:
 - a. **Workforce Investment Act Training Provider Application**
Complete one form for your agency.
 - b. **Workforce Investment Act Training Program Application**
One training program application must be filled out for each training program for each geographic area the program is being offered (e.g., if an organization holds training classes in two different Workforce Investment areas, an application is required for each area and must be submitted to the WIB in the area where they intend to provide training services).
2. Other required information to be included with your return packet is:
 - a. **Certificate or approval from applicable accrediting body.**
Attach a copy of your certification or approval from your applicable accrediting body (e.g., Bureau for Private Postsecondary and Vocational Education [BPPVE], California Department of Education).
 - b. **Narrative on required data collection and reporting for subsequent eligibility determination.**
Attach a narrative that explains how your agency will collect and report the data necessary for subsequent eligibility determination. All applications **must** include this narrative.
 - c. **Catalog and/or price listing.**
Include a copy of your agency's most recent catalog and/or price listing. A price listing is required if pricing information is not in your catalog.

Please mail or deliver:

- Two copies of WIA Training Provider Application, one for each unique training program,
- Two copies of WIA Training Program Application, one for each unique training program,

- Two copies of Statement of Qualifications – Attachment C, and
- Two copies of training institution's current catalog, listing course descriptions of courses to be listed on the ETPL, published fee schedules and refund policy.

to:

Beverly Wilson
County of San Bernardino Workforce Investment Board
215 North D Street, Suite 201
San Bernardino, CA 92415-0041

Download forms at: <http://www.edd.ca.gov/wiarep/fwiad01-16b.doc>
<http://www.edd.ca.gov/wiarep/fwiad01-16a.doc>
<http://www.edd.cahwnet.gov/wiarep/fwiad01-16c.doc>

Copy and paste in your browser for instructions: <http://www.edd.ca.gov/wiarep/rwiab99-22.pdf>

At least one complete copy of each set of applications must have original signatures. Submittals must be received no later than **5 PM on May 21, 2004**, to be considered.

P. Questions

Please contact Beverly Wilson at (909) 381-7906.

Q. Disclosure of Criminal and Civil Proceedings

The County reserves the right to request the information described herein from the vendor selected for contract award. Failure to provide the information may result in a disqualification from the selection process and no award of contract to the vendor. The County also reserves the right to obtain the requested information by way of a background check performed by an investigative firm. The selected vendor also may be requested to provide information to clarify initial responses. Negative information provided or discovered may result in disqualification from the selection process and no award of contract.

The selected vendor may be asked to disclose whether the firm or any of its partners, principals, members, associates or key employees (as that term is defined herein), within the last 10 years, has been indicted on or had charges brought against it or them (if still pending) or convicted of any crime or offense arising directly or indirectly from the conduct of the firm's business, or whether the firm or any of its partners, principals, members, associates or key employees has, within the last 10 years, been indicted on or had charges brought against it or them (if still pending) or convicted of any crime or offense involving financial misconduct or fraud. If the response is affirmative, the vendor will be asked to describe any such indictments or charges (and the status thereof), or convictions and the surrounding circumstances in detail.

In addition, the selected vendor may be asked to disclose whether the firm or any of its partners, principals, members, associates or key employees, within the last 10 years, has been the subject of legal proceedings, as defined herein, arising directly from the provision of services by the firm of those individuals. "Legal proceedings" means any civil actions filed in a court of competent jurisdiction or any matters filed by an administrative or regulatory body with jurisdiction over the firm or the individuals. If the response is affirmative, the vendor will be asked to describe any such legal proceedings (and the status and disposition thereof) and the surrounding circumstances in detail.

For purposes of this provision, "key employees" includes any individuals providing direct service to the county. "Key employees" does not include clerical personnel providing service at the firm's offices or locations.

R. Indemnification and Insurance

The contractor agrees to indemnify, defend, and hold harmless the County, and its authorized officers, employees, agents, and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of the Contract from any cause whatsoever, including the acts, errors, or omissions of any person, and for any costs or expenses incurred by the County on account of any claim therefore, except where such indemnification is prohibited by law.

Without, in any way, affecting the indemnity herein provided and in addition thereto, the contractor shall secure and maintain throughout the contract the following types of insurance with limits as shown:

Workers' Compensation – A program of Workers' Compensation Insurance or a state-approved Self-Insurance Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employer's Liability with \$250,000 limits, covering all persons providing services on behalf of the vendor and all risks to such persons under the contract.

If contractor has no employees, it may certify or warrant to County that it does not currently have any employees or individuals who are defined as "employees" under the Labor Code and the requirement for Workers' Compensation coverage will be waived by the County's Risk Manager.

With respect to contractors that are non-profit corporations organized under California or Federal law, volunteers for such entities are required to be covered by Workers' Compensation insurance. If the County's Risk Manager determines that there is no reasonably priced coverage for volunteers, evidence of participation in a volunteer insurance program may be substituted.

Comprehensive (Commercial) General and Automobile Liability Insurance

- All contractors are required to maintain this coverage to include contractual coverage and automobile liability coverage for owned, hired, and non-owned vehicles. The policy shall have combined single limits for bodily injury and property damage of not less than one million dollars (\$1,000,000).
- Contractors providing transportation services to JESD participants and/or members of their households must provide proof of Comprehensive Automobile Liability coverage for owned, hired and non-owned vehicles. The policy shall have combined single limits for bodily injury and property damage of not less than two million dollars (\$2,000,000).

Required Policy Endorsements

Additional Named Insured – All policies, **except** for the Workers' Compensation, Errors and Omissions, and Professional Liability policies, shall contain additional endorsements naming the County and its officers, employees, agents, and volunteers as additional named insured with respect to liabilities arising out of the performance of services hereunder.

NOTE: This endorsement on the certificate and on the actual policy endorsement form(s) **must be worded exactly** as follows: **The County of San Bernardino, its officers, employees, agents, and volunteers are named as additional insured with respect to services provided under Contract.**

ANY VARIATION WILL BE CONSIDERED AS NON-COMPLIANCE.

Waiver of Subrogation Rights – Contractors shall require the carriers of the required coverages to waive all rights of subrogation against the County, its officers, employees, agents, volunteers, contractors, and subcontractors.

NOTE: This endorsement on the certificate and on the actual policy endorsement form(s) must be worded **exactly** as follows: **Subrogation rights are waived against the County of San Bernardino, its officers, employees, agents, volunteers, contractors, and subcontractors.***

ANY VARIATION WILL BE CONSIDERED AS NON-COMPLIANCE.

*On Workers' Compensation certificates/policies issued by State Compensation Insurance Fund (SCIF), the following alternate language may be substituted: Endorsement #2570 Entitled Waiver of Subrogation Effective (State Fund inserts the policy's "Effective Date") is attached to and forms part of this policy. THIRD PARTY NAME: County of San Bernardino, JESD, and Its Affiliates.

Policies Primary and Non-Contributory – All policies required above are to be primary and non-contributory with any insurance or self-insurance programs carried or administered by the County.

The contractor shall immediately furnish certificates of insurance to JESD evidencing the insurance coverage, including endorsements required above, prior to the commencement of performance of services hereunder, which certificates shall provide that such insurance shall not be terminated or expire without 30 days' written notice to JESD, and the contractor shall maintain such insurance from the time the contractor commences performance of services hereunder until the completion of such services.

Certificates of insurance must indicate the "**Certificate Holder**" as: **County of San Bernardino, JESD @ 215 North D Street, Suite 201, San Bernardino, CA 92415.** Within 60 days of the commencement of this agreement, the contractor shall furnish certified copies of the policies and all endorsements.

Insurance Review

The above insurance requirements are subject to periodic review by the County. The County's Risk Manager is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, if the Risk Manager determines that heretofore unreasonably priced or unavailable types of insurance coverage or coverage limits become reasonably priced or available, the Risk Manager is authorized, but not required, to change the above insurance requirements, to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation, or any other item reasonably related to the County's risk.

Any such reduction or waiver for the entire term of the contract and any change requiring additional types of insurance coverage or higher coverage limits must be made by amendment to this contract. The vendor agrees to execute any such amendment within 30 days of receipt.

Compliance Letter

Proposers who do not have the above insurance requirements (paragraph II, A-C above) in place and on file with JESD MUST include a letter signed by their insurance agent, on their insurance company's letterhead, stating that the above requirements and language can be met and will be included in a policy if a contract is awarded.

S. DEFINITIONS

Term	Definition
747 Referral Form	The 747 Referral Form is used to refer JESD participants to contracted vendors for possible enrollment in approved activities. The 747 Referral Form will provide the Contractor(s) with information pertaining to a JESD participant's skills, interests, abilities, training goals and supportive services needs.
Assessment	Assessment consists of an appraisal of a participant's work history, employment skills, knowledge, abilities, education, current educational competency level, employability given current skills, physical or mental conditions that limit the ability to participate, local labor market conditions, and need for supportive services.
Assessment Report (AR)	The end product of the assessment process. A primary tool for developing the Individual Service Strategy (ISS).
Barriers	Temporary or long-term personal or other problems/issues that interfere with participation, employment, or job search.
Contractor	An organization selected to enter into an agreement with the County to provide services pursuant to a Contract, and assume the other responsibilities delineated under "Contractor Responsibilities."
Credential	A credential is a nationally recognized degree or certificate or state/locally recognized credential, such as, high school diploma, post-secondary degrees/certificates, recognized skill standards and licensure or industry -recognized certificates.
Demand Occupation	An occupation with a projected labor market growth rate of 25% or more within a given county.
DOL	The acronym for the United States Department of Labor.
EDD	The acronym for Employment Development Department for the State of California.
ETPL	Eligible Training Provider List. Statewide listing of training providers and the services they offer.
Fee for Service(s)	An agreement to pay a specified price for the delivery of specific supplies or services. The price is not subject to any adjustment on the basis of the Contractor's cost experience in performing the agreement.. See Performance Based Payment.
Hard to Employ	The "hard to employ with demonstrated poor work histories" is defined as those participants with no more than 13 weeks of consecutive full-time (FT) unsubsidized employment with the same employer in the past 12 calendar months. Full-time employment is described as forty (40) hours per week.
ISP	Individual Service Plan: An individual plan that is completed for each participant by the Contractor that includes appropriate achievement objectives, appropriate sequence of training services and the need for supportive services.
JESD	The acronym for the County of San Bernardino's Jobs and Employment Services Department.

Term	Definition
Job Readiness/ Retention Services	Services designed to provide WtW/CalWORKs participants with the skills and/or support that are necessary for a healthy and secure personal and family environment. These skills include, but are not limited to, self-esteem building, personal and family budgeting, interpersonal communication skills, parenting skills, anger management, conflict resolution and non-medical substance abuse counseling and other non-medical related services.
Labor Market Information	Where and what type of jobs are in a region, a forecast of future job growth, and the qualifications needed to fill expected job openings.
LWIA	The acronym for the Local Workforce Investment Area. A geographical area within the State of California designated by the Governor for which one entity is identified to address employment and training needs, receive funds, and coordinate program delivery.
LWIB	The acronym for the Local Workforce Investment Board otherwise referred to as the San Bernardino County Workforce Investment Board.
Minor Child	An individual who has not attained 18 years of age, or has not attained 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).
Participant	An individual, who has been determined eligible to participate in, and who is receiving services under a program or contract, authorized by the County of San Bernardino.
Performance Based Payment	A specified total price for the delivery of services. The total payment is divided into two or more "benchmark" payments tied to the performance of the Contractor or participant. All benchmarks must be satisfactorily accomplished before the final payment is made.
Program Costs	The necessary and allowable costs directly related to the provision of services associated with the training of eligible participants.
Vendor	A public agency, private nonprofit organization, or private-for-profit entity that delivers educational, training, employment or supportive services to JESD participants. Used interchangeably with "Contractor."
Special Needs	Individuals identified as being very low functioning adults and/or having a physical, mental, or learning disability, substance abuse problems, and/or limited English proficiency.
Subsidized Employment	Direct employment with a wage subsidy.
Supportive Services	Services that are necessary to enable a participant, who cannot afford to pay for such services, to participate in a training program. Payment may be provided for transportation, child care, health care, and other reasonable expenses required for participation in the training program and may be provided in-kind or through cash assistance.
SWIB	The acronym for the State Workforce Investment Board. This board is established by the Governor of California to assist in the development of the State Workforce Plan and provide continuous improvement of the statewide workforce investment system.
Unsubsidized Employment	Direct employment without a subsidy from the County or other government agency.
WIA	The acronym for the Workforce Investment Act of 1998. H.R. 1385, the Workforce Investment Act of 1998 (WIA), was signed by President Clinton and enacted into law as P.L. 105-220 on August 7, 1998. This comprehensive reform legislation supersedes the Job Training Partnership Act (JTPA) and amends the Wagner-Peyser Act (Title III). The WIA also contains the Adult Education and Family Literacy Act (Title II), the Rehabilitation Act Amendments of 1998 (Title IV), and the General Provisions contained in Title V of the Act. This federal legislation provides funds from which various JESD programs are derived. Also referred to as the "Act."

COUNTY OF SAN BERNARDINO
Workforce Investment Business Resource Office

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower-Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR, Part 98, Section 98.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pgs 19160-19211).

PLEASE READ INSTRUCTIONS BEFORE COMPLETING CERTIFICATION.

1. The Recipient of Federal assistance funds certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this proposal.

Organization

Name of Authorized Representative

Title of Authorized Representative

Signature

Date

Individual Training Account Program

Statement of Qualifications

STATEMENT OF QUALIFICATIONS

This is an invitation to all public and private organizations to establish their qualifications (Statement of Qualifications) to bid for Workforce Investment Business Resource Office (WIBRO) funds under the Individual Training Account (ITA) Program.

A Statement of Qualifications may be submitted prior to or in conjunction with the submittal of a Solicitation of Interest (SOI) application. Once an agency is approved, the qualifications will not need to be reestablished, except for annual updates of the information on file.

WHEN SHOULD ORGANIZATIONS RESPOND?

Organizations interested in submitting proposals in response to a WIBRO SOI are encouraged to submit their qualifications as soon as possible. The agency will be notified, in writing, whether their qualifications meet the minimum requirements for eligibility to receive WIBRO funds under the ITA program.

WHAT IF THE ORGANIZATION DOES NOT QUALIFY?

Organizations, whose qualifications do not meet the minimum requirements for eligibility, will receive a notice indicating specific deficiencies and outlining what, if any, actions the agency can take to correct the deficiencies.

HOW DO ORGANIZATIONS RESPOND?

To respond, please answer questions 1-8 in the Statement of Qualifications and attach the required documents.

WHO CAN ANSWER QUESTIONS ON THE STATEMENT OF QUALIFICATIONS?

Contact Beverly Wilson, Employment Services Manager, at (909) 381-7906 with any questions you have regarding the Statement of Qualifications.

INDIVIDUAL TRAINING ACCOUNT PROGRAM STATEMENT OF QUALIFICATIONS

 Name of Organization

 Date

1. Legal Status

☐ *Private for Profit Corporation

 Date Incorporated

 State

☐ *Private Not-for-Profit Corporation

 Date Incorporated

 State

☐ Public Agency

☐ Sole Proprietorship

☐ Partnership

☐ Other (specify): _____

* Attach a copy of the organization's certificate of incorporation, articles of incorporation or other proof of legal power to contract.

2. Organization Information

Internal Revenue Service (IRS) Employer's Number _____

IRS Classification for Tax Exemption (if not-for-profit) _____

3. Insurance

 Does your organization have general liability insurance? * ☐ Yes ☐ No

* If yes, attach copy of a binder or a copy of the current policy. If no, attach a letter from insurance agency indicating organization is able to comply with Item R of the SOI.

4. Organizational Goals

Briefly describe the goals of your organization and its objectives or principal activities. Attach a chart showing major staff components of the organization, or describe the organization's structures. Include additional sheets, if necessary.

5. Financial Management System

Attach a copy of your organization's most recent financial statement or annual report.

6. Certification regarding Debarment

Please read and sign Attachment A, Certification regarding Debarment form, Page #12.

7. **Course Approval**

- a) Check below the status of your organization's education/training operations as obtained from the Bureau for Private Postsecondary & Vocational Education or other recognized accrediting agency, as mandated under the California Education Code:

- ☐ Approved
☐ Authorized (pending approval)
☐ Exempt
☐ Other accrediting agency (specify) _____

- b) Attach a copy of the approval document with current status. The Bureau's responsibilities are described in the California Education Code Sections 94770 to 94779 (Title 3, Division 10, Part 59, Chapter 3), which is accessible at <http://www.leginfo.ca.gov/calaw.html>. For more information, see http://www.dca.ca.gov/bppve/regulated_community/index.htm, or please contact:

Bureau for Private Postsecondary & Vocational Education
1027 Tenth Street, 4th Flr
Sacramento CA 95814-3517
(916) 445-3427

8. **Financial Aid**

- a) Is your organization eligible to apply for Pell Grant on behalf of its students/trainees? ☐ Yes ☐ No
- b) If no, does your organization plan to seek Pell Grant eligibility within 12 months? ☐ Yes ☐ No
- c) Does your organization offer any other financial aid?
- | | | |
|---|------------------------------|-----------------------------|
| ▪ Supplemental Educational Opportunity Grant (SEOG) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Stafford Student Loans | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Guaranteed Loans | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Tuition Waivers | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Scholarships | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Other(s): _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

I certify that I am authorized to submit this Statement on behalf of the above-named organization. If any information changes significantly, the WIBRO will be notified. I certify that the contents of this document are true and correct.


Signature

Date

Title

Printed Name

Address

 WORKFORCE INVESTMENT ACT TRAINING PROVIDER APPLICATION		01. Provider Code (FEIN)	
		For Internal Office Use Only	
		02. Subgrantee Code	
		03. Agency Code	
		04. Local Provider Code	
05. Provider Name		06. Legal Name (If Different)	
07. Mail Address		City, State	08. ZIP
09. Main Phone ()	10. Main E-Mail		11. Web Site Address
12. Administrative Contact Name		13. Administrative Contact Title	14. Administrative Contact E-Mail
15. Administrative Contact Phone ()	16. Administrative Contact Fax ()	17. Admissions Phone (If different) ()	18. Financial Aid Phone (If different) ()
19. Accreditation <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No	20. Accrediting Body		
21. HEA Eligible (Pell Grant) <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No	22. Financial Aid Available <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No	23. Online Registration Available <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No	
24. Institution Type <input type="checkbox"/> 1–Public <input type="checkbox"/> 2–For-Profit <input type="checkbox"/> 3–Non-Profit Religious <input type="checkbox"/> 4–Non-Profit Public Benefit <input type="checkbox"/> 5–Mutual <input type="checkbox"/> 6–Other	25. Provider Type <input type="checkbox"/> 1–University <input type="checkbox"/> 2–College <input type="checkbox"/> 3–Faith Based Organization <input type="checkbox"/> 4–Community Based Organization (CBO) <input type="checkbox"/> 5–Vocational <input type="checkbox"/> 6–Postsecondary <input type="checkbox"/> 7–ROC/P <input type="checkbox"/> 8–Other		Additional Services 26. Job Placement Assistance <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 27. Career Assessment <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 28. Career Counseling <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 29. Tutorial Services <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 30. ESL Courses <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 31. GED Assistance <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 32. On-Site Childcare <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 33. Other <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No

ETPL EPVA

01. Provider Code (FEIN)

For Internal Office Use Only

02. CIP Code

Program Code

03. Subgrantee Code

04. Agency Code

05. Date Received By LWIB

06. Local Program Code

WORKFORCE INVESTMENT ACT TRAINING PROGRAM APPLICATION

Provider Name

07. Program Name

08. Program Description

09. Training Site Address

City, State

10. ZIP

11. County

12. Listed On Other
State's ETPL

☐ 1–Yes
☐ 2–No

13. ADA Compliant

☐ 1–Yes
☐ 2–No

14. Total Hours Of Instruction

15. Credits

16. Non-Credit

☐ 1–Yes
☐ 2–No

17. Credit Time

☐ 1–Semester
☐ 2–Quarter

Total Program Cost

18. Tuition

\$ _____

19. Fees \$ _____

20. Expenses

\$ _____

Total \$ _____

21. Mode Of Delivery

☐ 1–Classroom
☐ 2–Internet
☐ 3–
Correspondence
☐ 4–Broadcast
☐ 5–Computer
Based
Instruction

When Program Is Offered

22. Days ☐ 1–Yes ☐
2–No
23. Evenings ☐ 1–Yes ☐ 2–No
24. Weekends ☐ 1–Yes
☐ 2–No

25. Frequency of
Offering

☐ 1–Weekly
☐ 2–Monthly
☐ 3–Quarter
☐ 4–Semester
☐ 5–Other

26. BPPVE Approval Status

☐ 1–Approved
☐ 2–Temporary Approval
☐ 3–Registered
☐ 4–Exempt
☐ 9–Not Applicable

27. BPPVE Approval Expiration
Date

28. Other BPPVE
Approved Programs

☐ 1–Yes
☐ 2–No

29. Registered
Apprenticeship

☐ 1–Yes
☐ 2–No

30. Registered Date

Other List Criteria:

31. CDE Approved ☐ 1–Yes ☐ 2–No
32. COCCC Approved ☐ 1–Yes ☐ 2–No
33. Proven Effectiveness *No longer used*
34. Employer Support *No longer used*
35. Industry Authorized *No longer used*

36. Continuing Education Units (CEU)

37. CEU Granting Institution

38. Resources Required

☐ 1–Yes
☐ 2–No

39. Program Goal

☐ 1–Skill Attainment ☐ 5–Associate Degree
☐ 2–Certificate ☐ 6–Baccalaureate Degree
☐ 3–Registration ☐ 7–Other
☐ 4–License

40. Credentialing Body

41. Projected Hourly Wage After Program Completion

42. Prerequisites

43. Skills Sets

WIA Training Program Application (continued)

44. Curriculum		45. Relevant Occupations (Soc/O*Net Code)	
Course Code	Course Title	Code	Title
		46. Relevant Occupation Recommendation	
		Soc/O*Net Category	Description
Accessibility 47. On-Site Parking <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 48. Public Transportation <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 49. Disabled Student Access <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 50. Sign Language <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 51. Other Languages <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No 52. Other <input type="checkbox"/> 1–Yes <input type="checkbox"/> 2–No		53. Target Audience 54. Average Class Size 55. Equipment to be Used	
INITIAL PERFORMANCE INFORMATION			
56. Period Begin Date	57. Period End Date	58. Participant Universe	59. Average Hourly Wage at Placer
60. Program Completion Rate	61. Entered Employment Rate	62. Skill/Credential Attainment	63. Retention Rate
I certify that the information submitted on this application is true and correct. I also agree to supply the required performance information and seed data on all students in order to calculate performance measures for subsequent eligibility determination. In addition, all performance outcome data shall be made available upon request for audit purposes.			
64. Printed Name of Provider Representative		65. Title	66. Date
Signature			

ETPL EPGA

Individual Referral Process

Organizations approved for the ITA Training Provider List must have the capacity to provide occupational training on an individual referral basis. After an in-depth assessment and research of the full range of available training in the occupational area, an ITA may be issued to individuals to purchase training from an organization on the Eligible Training Provider List. The ITA authorizes an organization to invoice the Workforce Investment Board for the cost of training shown on the ITA, in accordance with the terms and conditions of the service agreement/contract and the training provider.

Training may be made up of one or more classes related to a given occupational area. This may include a series of classes needed for a certificate in a specific field. It is the intent of the ITA program to provide vocational training in specific occupational areas.

As a result of the changing San Bernardino economy, there is an increased interest in training in new occupations. ITAs provide the flexibility needed to meet the requirements for training in demand occupations in San Bernardino increasing numbers of customers.

Individuals are determined to be WIA eligible by their local Employment Resource Centers (One-Stop Center) and referred for training through an in-depth process. Training is self-selected by the enrollee with guidance and assistance from an assigned WIA advisor. Following approval of the training program, enrollees will be required to research three schools, discuss needs and availability of financial aid with appropriate school staff, and meet with their assigned WIA advisor prior to approval and issuance of an ITA.

Prospective enrollees will research such items as:

- Class schedules
- Location of training
- Instructor qualifications
- Placement assistance
- Other services available

Prospective enrollee's choice of school is reviewed by Employment Resource Center staff and approved subject to:

- Labor market demand in San Bernardino County
- Funds available
- Cost of training and the availability of financial aid
- School performance

Once an individual has been referred to and approved by the training provider, a Workforce Investment ITA for the amount of the training program selected (up to \$7,500) will be issued prior to enrollment at the school.

Payments covered by the ITAs are:

- Tuition and enrollment fees for training courses required to prepare a participant for a job in a new occupational area;
- Textbooks, supplies and necessary training materials;
- Counseling, as needed, to help achieve satisfactory completion of training.

ETPL Initial Eligibility Appeals

References

- WIA Section 122 (g)
- Title 20 Code of Federal Regulations (CFR) Federal Register, Sections 663.500 and 667.600
- Employment Development Department's Directive WIAD01-16: Eligible Training Provider List (4/15/02)

Federal and State Policy

Workforce Investment Act (WIA) Section 122 (g) requires the State to develop a policy that allows training providers to appeal denials of Initial Eligibility to the State's Eligible Training Providers List (ETPL).

In April 2002, the State issued Directive WIAD01-16, which provided guidance to LWIAs on developing local appeal procedures.

Local Policy

It is the policy of the San Bernardino County Workforce Investment Board to provide a fair and equitable appeals process for training providers denied Initial Eligibility to the Workforce Investment Act's Eligible Training Provider List (ETPL).

Initial ETPL Application Denials

The LWIB may deny a program's initial eligibility to the ETPL if the training provider and/or program do not meet at least one of the following criteria:

1. Postsecondary institutions eligible under Title IV of the Higher Education Act and offering programs leading toward an associate degree, baccalaureate degree or certificate.
2. Programs that are registered under the National Apprenticeship Act of August 16, 1937, or provide on-the-job training in the construction industry and are approved by the Bureau of Apprenticeship and Training (BAT) and have a certificate of approval from the California Apprenticeship Council.
3. Accreditation by an institution recognized by the federal Department of Education
4. Approval by the California Department of Education
5. Approval by the Chancellor's Office of the California Community Colleges or
6. Approval, registration or exemption of the program by the Bureau for Private Postsecondary and Vocational Education (BPPVE).

Other Initial Denial Factors

A program may also be denied initial eligibility if any of the following apply:

- a) The Training Provider fails to provide all the data required for initial eligibility determination, or
- b) The data is not submitted within the required timeframe, or
- c) The program does not meet the minimum performance set by the State or by the LWIB, or
- d) The applicant intentionally supplied inaccurate information, or
- e) The Training Provider is found to have substantially violated any WIA requirements.

Penalties

If EDD, in consultation with the LWIB, determines a Training Provider intentionally supplied inaccurate information for ETPL purposes, EDD shall terminate the eligibility of the training provider to receive any funds for a period of at least two years.

If EDD or the LWIB determines that a Training Provider substantially violates any WIA requirement, EDD or the LWIB may terminate the eligibility of the provider to receive any funds for a specified period of time or take other such action as deemed appropriate.

Staff's Recommendation

An item is prepared by staff citing the reason(s) for the initial denial and is submitted to the LWIB with the recommendation to deny the training provider's initial program application to the ETPL.

The Training Provider is informed in writing within 30 days of LWIB decision. The letter contains:

- Reason for the program's denial, and
- Complete instructions for appealing the decision.

Reasons to Appeal

A Training Provider, denied initial eligibility, may appeal the decision in writing to the San Bernardino County Workforce Investment Board. The appeal must be submitted within 30 calendar days of the date the denial letter is received.

An appeal of the local decision to deny a program initial listing on the ETPL may only be brought on the following grounds:

- Failure of JESD/LWIB to follow selection procedures and adhere to requirements specified in the ACT, any addenda or amendments; or
- There has been a violation of conflict of interest as provided by California Government Code Section 87100 et seq.; or
- A violation of State and Federal law.

Providers' Written Appeal

Written appeals are accepted provided they are:

- Addressed to the San Bernardino County Workforce Investment Board, to the attention of the JESD Director, and
- Submitted within 30 calendar days of the date the denial letter is received.

The written appeal includes the following:

- a) A statement of the desire to appeal the decision,
- b) Specification of the program application in question,
- c) Reason(s) for the appeal, and
- d) Signature of the appropriate ETP official.

Local Appeal Stages

The following describes local level appeals:

Stage 1

Panel composed of the Chairperson of the WIB Employment Resource Center, or designee, and JESD Director convenes an informal meeting with the Training Provider within ten days of receiving the appeal letter.

The provider is sent a letter confirming the results of the meeting within 10 calendar days of the informal meeting.

Stage 2

Training Providers who are unable to reach a mutual agreement are provided the opportunity to attend a Hearing mediated by an Impartial Hearing Officer. The Hearing is scheduled within 30 days of the informal meeting. The Hearing includes the provider, WIB Employment Resource Center Committee Chairperson, or designee, JESD Director and Hearing Officer.

At the Hearing, both parties are given the opportunity to:

- a) Present oral and written testimony under oath,
- b) Call and question witnesses,
- c) Present oral and written arguments,
- d) Request documents relevant to the issues, and
- e) Be represented.

The Hearing Officer sends both parties a letter informing them of the decision within 60 days of the Hearing's conclusion.

State Level Appeals

The provider may appeal to the State on the following grounds:

- The ETP has exhausted the local appeal process and is still dissatisfied with the final decision, or

- The Training Provider's application has been denied by the State (EDD).

The following table describes State level appeals:

Stage 1

A written appeal is submitted to the Employment Development Department (EDD) within 30 calendar days of the date the local or State denial letter is received.

The written appeal includes the following:

- a) A statement of the desire to appeal the decision,
- b) Specification of the program in question,
- c) Reason(s) for the appeal, and
- d) Signature of the appropriate provider official.

Stage 2

EDD may refer the appeal to the California Unemployment Insurance Appeals Board (CUIAB). The CUIAB schedules a hearing with an administrative law judge.


The LWIB and the provider receive a written notice of the date, time and location at least 10 calendar days before the scheduled hearing. Both parties are granted the opportunity to:

- A. Present oral and written testimony under oath,
- B. Call and question witnesses,
- C. Present oral and written arguments,
- D. Request documents relevant to the issues, and
- E. Be represented.

The administrative law judge notifies both parties of the final decision within 60 days of the appeal being referred to CUIAB, or within 30 days of the closing of the record.

Note: The decision of the CUIAB administrative law judge is final.

Subsequent Eligibility Request

 WORKFORCE INVESTMENT ACT TRAINING PROGRAM SUBSEQUENT ELIGIBILITY APPLICATION		01. State Provider Code	For Internal Office Use Only	
		02. State Program Code		
		04. Calendar Year		
		05. Agency Code		
		07. Date Received By LWIB		
Provider Name				
Program Name		Initial Period of Current Eligibility		Eligibility Expiration Period
<u>PERFORMANCE INFORMATION</u>				
06. Performance Standards Type <input type="checkbox"/> 1-BPPVE <input type="checkbox"/> 2-CDE – Perkins <input type="checkbox"/> 3-COCCC – Perkins		17. Average Wage at Placement for All		
18. Program Completion Rate for All		19. Entered Employment Rate for All		
Assurance text I certify that the information that is submitted on this application is true and correct.				
10. <u>Printed Name of Provider Representative</u>		11. Title		12. Date
Signature				

ETPL ESEA

ETPL Subsequent Eligibility Appeals

References

- WIA Section 122 (g)
- Title 20 Code of Federal Regulations (CFR) Federal Register, Sections 663.500 and 667.600
- Employment Development Department's Directive WIAD01-16: Eligible Training Provider List (4/15/02)

Federal and State Policy

Workforce Investment Act (WIA) Section 122 (g) requires the State to develop a policy that allows training providers to appeal denials of Subsequent Eligibility for the State's Eligible Training Providers List (ETPL).

In April 2002, the State issued Directive WIAD01-16, which provided guidance to LWIAs on developing local appeal procedures.

Local Policy

It is the policy of the San Bernardino County Workforce Investment Board to provide a fair and equitable appeals process for training providers denied Subsequent Eligibility, thereby removing the provider's program(s) from the WIA Eligible Training Provider List (ETPL).

SED Application Denials

A program's subsequent application to remain on the Eligible Training Provider List (ETPL) is denied if the Training Provider and/or program no longer meets one of the following criteria:

1. Postsecondary institutions eligible under Title IV of the Higher Education Act and offering programs leading toward an associate degree, baccalaureate degree or certificate.
2. Programs that are registered under the National Apprenticeship Act of August 16, 1937, or provide on-the-Job training in the construction industry and are approved by the Bureau of Apprenticeship and Training (BAT) and have a certificate of approval from the California Apprenticeship Council.
3. Accreditation by an institution recognized by the Federal Department of Education.
4. Approval by the California Department of Education.
5. Approval by the Chancellor's Office of the California Community Colleges.
6. Approval, registration or exemption of the program by the Bureau for Private Postsecondary and Vocational Education (BPPVE).

Other Initial Denial Factors

A program may also be denied subsequent eligibility if any of the following apply:

- a) The Training Provider fails to provide all the data required for subsequent eligibility determination (SED), or
- b) The data is not submitted within the required timeframe, or
- c) The program no longer meets the minimum negotiated performance levels set by the State or by the LWIB:
 - 1. Completion rates for all,
 - 2. Percentage of obtain unsubsidized employment for all,
 - 3. Wages at placement in employment,*
 - 4. Percentage of WIA participants who completed and obtained unsubsidized employment, **
 - 5. Six month Retention rate for WIA participants who completed and obtained unsubsidized employment, **
 - 6. Wages received by WIA participants who completed and obtained unsubsidized employment, ** and
 - 7. The rates of Licenses, Certificates and Degrees (LCD) of WIA participants who graduated from the program. **
- d) The applicant intentionally supplied inaccurate information, or
- e) The Training Provider is found to have substantially violated any WIA requirements.

* Optional entry for ETPs under current State SED requirements.

** Scheduled to be implemented by the State in the future.

Penalties

If EDD, in consultation with the LWIB, determines a Training Provider intentionally supplied inaccurate information for ETPL purposes, EDD or the LWIB may terminate the eligibility of the Training Provider to receive any funds for a period of at least two years.

If EDD or the LWIB determines that a Training Provider substantially violates any WIA requirement, EDD or the LWIB may terminate the eligibility of the Training Provider to receive any funds for a specified period of time or take other such action as deemed appropriate.

Staff's Recommendation

An item is prepared by staff citing the reason for the removal and submitted to the LWIB with the recommendation to remove the program from the ETPL.

The provider is informed in writing within 10 days of LWIB decision. The letter contains:

- Reason for the program's removal, and
- Completed instructions for appealing the decision.

Reasons to Appeal to the Local Board

A Training Provider, whose program is denied subsequent eligibility, may appeal the decision in writing to the San Bernardino County Workforce Investment Board. The appeal must be submitted within 30 calendar days of the date the denial letter is received.

An appeal of the Local decision to remove a program from the ETPL may only be brought on the following grounds:

- Failure of JESD/LWIB to follow selection procedures and adhere to requirements specified in the ACT, any addenda or amendments; or
- There has been a violation of conflict of interest as provided by California Government Code Section 87100 et seq.; or
- A violation of State and Federal law.

Providers Written Appeal

Written appeals are accepted provided they are:

- Addressed to the San Bernardino County Workforce Investment Board, to the attention of the JESD Director, and
- Submitted within 30 calendar days of the date the removal letter is received.

The written appeal includes the following:

- a) A statement of the desire to appeal the decision,
- b) Specification of the program in question,
- c) Reason(s) for the appeal, and
- d) Signature of the appropriate provider official.

Local Appeal Stages

The following provides the stages for appealing a local decision:

Stage 1

Panel composed of the Chairperson of the WIB Employment Resource Center, or designee, and the JESD Director convenes an informal meeting with the provider within ten days of receiving the appeal letter.

The provider is sent a letter confirming the results of the meeting within ten calendar days of the informal hearing.

Stage 2

Training Providers who do not reach mutual agreements with the Panel are provided the opportunity to attend a Hearing mediated by an Impartial Hearing Officer. The Hearing is scheduled within 30 days of the informal meeting. The Hearing includes the Hearing Officer, Training Provider, WIB Employment Resource Center Committee Chairperson, or designee and JESD Director.

Both parties are given the opportunity to:

- a. Present oral and written testimony under oath,
- b. Call and question witnesses,
- c. Present oral and written arguments,
- d. Request documents relevant to the issues, and
- e. Be represented.

The Hearing Officer sends the provider a letter within 60 days of the Hearing's conclusion.

State Level Appeals

The Training Provider may appeal to the State on the following grounds:

- The Training Provider has exhausted the local appeal process and is still dissatisfied with the final decision, or
- The Training Provider's SED application has been denied at the State (EDD) level.

Appeals

The following table describes state level appeals:

Stage 1

Written appeals to the Employment Development Department (EDD) can be submitted up to 30 calendar days of the date the local or State denial letter is received.

The written appeal includes the following:

- a) A statement of the desire to appeal the decision,
- b) Specification of the program in question,
- c) Reason(s) for the appeal, and
- d) Signature of the appropriate provider official.

Stage 2

EDD may refer the appeal to the California Unemployment Insurance Appeals Board (CUIAB). The CUIAB schedules a hearing with an administrative law judge.

The LWIB and the provider receive a written notice of the date, time and location at least 10 calendar days before the scheduled hearing.

Both parties are granted the opportunity to:

- a. Present oral and written testimony under oath,
- b. Call and question witnesses,
- c. Present oral and written arguments,
- d. Request documents relevant to the issues, and
- e. Be represented.

The administrative law judge notifies both parties of the final decision within 60 days of the appeal being referred to CUIAB, or within 30 days of the closing of the record.

Note: The decision of the CUIAB administrative law judge is final.